

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDREA TANTAROS,

*Plaintiff,*

-- against --

Case No. 17-cv-2958

FOX NEWS NETWORK, LLC, WILLIAM  
SHINE, IRENA BRIGANTI, PETER A.  
SNYDER, DISRUPTOR, INC., and JOHN  
DOES 1-50,

**DECLARATION OF  
JUDD BURSTEIN**

*Defendants.*

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JUDD BURSTEIN hereby declares under penalty of perjury:

1. I am a Principal of Judd Burstein, P.C., attorneys for Plaintiff Andrea Tantaros (“Ms. Tantaros”).

2. I submit this Declaration in opposition to the motion for sanctions filed by Defendants Fox News Network, LLC (“FNC”), William Shine (“Shine”), Dianne Brandi (“Brandi”), and Irena Briganti (“Briganti”) (collectively, “FNC Defendants”).

3. The purpose of this Declaration is (a) to provide a foundation for documentary evidence to support certain factual assertions in the accompanying Memorandum of Law (“MOL”) filed in opposition to the FNC Defendants’ sanctions motion, and (b) to provide more detailed factual answers to claims made in the FNC Defendants’ motion.

**A. DOCUMENTS REFERENCED IN THE MOL**

4. Annexed hereto as Exhibit A is a true and accurate copy of a July 6, 2016 New York Times Article entitled “Gretchen Carlson of Fox News Files Harassment Suit Against Roger Ailes.”

5. Annexed hereto as Exhibit B is a true and accurate copy of a September 6, 2016 New York Magazine article entitled “Fox Apologizes to Gretchen Carlson and Pays Her a Reported \$20 Million — Then Announces Greta Van Susteren Is Leaving.”

6. Annexed hereto as Exhibit C is a true and accurate copy of a June 24, 2017 New York Times article entitled “A Self-Proclaimed ‘Tough Cop’ Wants a New Title: Mayor.”

7. Annexed hereto as Exhibit D is a true and accurate copy of a September 2, 2016 New York Daily News article entitled “Ex-Fox anchor Gretchen Carlson secretly recorded meetings with Roger Ailes.”

8. Annexed hereto as Exhibit E is a true and accurate copy of Ms. Tantaros’s Complaint.

9. Annexed hereto as Exhibit F is a true and accurate copy of an April 18, 2017 Salon.com article entitled “Roger Ailes’ fake news empire: Former Fox News head presided over a panoply of phony ‘sock puppet’ blogs.”

10. Annexed hereto as Exhibit G is a true and accurate copy of an April 24, 2017 article published on the NPR website entitled “Beyond Sexual Harassment, Lesser Known Scandals Could Cost The Murdochs A \$14B Deal.”

11. Annexed hereto as Exhibit H is a true and accurate copy of a print-out from the Twitter Help Center, explaining that it would have been necessary for Mr. Block to address a Tweet to @andreatantaros in order to ensure that Ms. Tantaros would see it.

12. Annexed hereto as Exhibit I are true and accurate copies of (a) the official Florida Notary listing for Brenda Gatson, the person who notarized the April 26, 2017 Declaration of Daniel Wayne Block, (b) a Buzzfile internet report showing that (i) Ms. Gatson is the President of BFG, Inc., which operates a UPS Store at the same address listed on the Florida Notary

listing, and (ii) that her website address is [www.usachestnuts.com](http://www.usachestnuts.com), and (c) a print-out from the [www.usachestnuts.com](http://www.usachestnuts.com) showing that it sells mail-order chestnuts.

13. Annexed hereto as Exhibit J is a true and accurate copy of a print-out of the results of an Advanced Twitter Search for Tweets from the @DanielBlock5 account for the period January 1, 2017 to June 27, 2017.

14. Annexed hereto as Exhibit K is a true and accurate copy of a print-out of the results of an Advanced Twitter Search for Tweets from the @DanielWayneBlo1 account for the period July 1, 2016 to June 27, 2017.

15. Annexed hereto as Exhibit L is a true and accurate copy of the obituary for Mr. Block's son, Daniel, following his death on November 26, 2014.

16. Annexed hereto as Exhibit M is a true and accurate copy of a page from the @DanielBlock5 account showing that it was created in April of 2012.

17. Annexed hereto as Exhibit N is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of Tweets from the @DanielBlock5 account for the period April 1, 2012 through November 26, 2014.

18. Annexed hereto as Exhibit O is a true and accurate copy of a print-out of the results of an Advanced Twitter Search for Tweets from the @DanielBlock5 account for the period November 27, 2014 through June 17, 2016.

19. Annexed hereto as Exhibit P is a true and accurate copy of a print-out of a page from the @DanielWayneBlo1 account showing that it was created in March of 2016.

20. Annexed hereto as Exhibit Q is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielWayneBlo1 account for the phrase "God Bless America."

21. Annexed hereto as Exhibit R is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the phrase “God Bless America.”

22. Annexed hereto as Exhibit S is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielWayneBlo1 account for Tweets containing the words “Trump” and “Pence.”

23. Annexed hereto as Exhibit T is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for Tweets containing the words “Trump” and “Pence.”

24. Annexed hereto as Exhibit U is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielWayneBlo1 account for Tweets containing the phrase “our good earth.”

25. Annexed hereto as Exhibit V is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for Tweets containing the phrase “our good earth.”

26. Attached hereto as Exhibit W is a true and accurate copy of a June 5, 2017 article, entitled “Spot a Bot: Identifying Automation and Disinformation on Social Media,” published on the Data for Democracy website.

27. Annexed hereto as Exhibit X is a true and accurate copy of a March 31, 2017 article, entitled “Sockpuppets, Secessionists, and Breitbart,” published on the Data for Democracy website.

28. Annexed hereto as Exhibit Y is a true and accurate copy of a print-out of all posts on Daniel Wayne Block’s Facebook account.

29. Annexed hereto as Exhibit Z is a true and accurate copy of a print-out of all posts on Daniel Wayne Block's LinkedIn page.

30. Annexed hereto as Exhibit AA is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielWayneBlo1 account for the term "@realNASCARman." It shows direct communication between the two accounts.

31. Annexed hereto as Exhibit BB is a true and accurate copy of a print-out of the results of Advanced Twitter Searches for accounts in the name of Duane Block and Duane D. Block. The search results for the term "Duane Block" revealed a number of accounts, none of which are accounts maintained by Mr. Block's brother. The search result for "Duane D. Block" (Mr. Block's brother's full name) revealed no Twitter account in that name.

32. Annexed hereto as Exhibit CC is a true and accurate copy of an academic study by researchers from Stanford University and the University of Maryland, entitled "An Army of Me: Sockpuppets in Online Discussion Communities."

33. Annexed hereto as Exhibit DD is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielWayneBlo1 account for the term "Amazon.com."

34. Annexed hereto as Exhibit EE is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term "Amazon.com."

35. Annexed hereto as Exhibit FF is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term "Good morning."

36. Annexed hereto as Exhibit GG is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “Goofy.”

37. Annexed hereto as Exhibit HH is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “floridian.”

38. Annexed hereto as Exhibit II is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “blue angels.”

39. Annexed hereto as Exhibit JJ is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “egypt.”

40. Annexed hereto as Exhibit KK is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “rabbit.”

41. Annexed hereto as Exhibit LL is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “oak.”

42. Annexed hereto as Exhibit MM is a true and accurate copy of a print-out of the results of an Advanced Twitter Search of the @DanielBlock5 account for the term “Joshua.”

43. Annexed hereto as Exhibit NN is a true and accurate copy of an April 24, 2017 article entitled “Tantaros Alleges Fox News Targeted Her, Newsmax CEO” that was published on [www.newsmax.com](http://www.newsmax.com).

44. Annexed hereto as Exhibit OO is a true and accurate copy of a May 14, 2017 article entitled “The Widening Blast Radius of the Fox News Scandal” that was published on [www.politico.com](http://www.politico.com).

45. Attached hereto as Exhibit PP is a true and accurate copy of a page (with redactions) from a proposed settlement agreement sent by counsel for Defendants Pete Snyder and Disruptor, Inc. to me.<sup>1</sup>

46. Annexed hereto as Exhibit RR is a true and accurate copy of a small excerpt from a lengthy report by CYCURA on a forensic examination of Ms. Tantaros's laptop.

47. Annexed hereto as Exhibit SS is a true and accurate copy of a print-out of pages from CYCURA's website.

**B. FACTS SUPPORTING MS. TANTAROS'S MEMORANDUM OF LAW**

48. Page 12 of the MOL states that Mr. Block's brother, Duane, does not have a Twitter account. This claim is based upon my search of Twitter for the name "duane block". I then checked the accounts for names listed on the search. None of them were accounts for Mr. Block's brother.

49. In the support of the statement made in Footnote 9 of the MOL, I state that I saw the key May 21, 2016 Tweet addressed to @andreatantaros on the @DanielWayneBlo1 account on April 15 or 16, 2017. However, when I went back to print it out on April 21, 2017, as I was finalizing the Complaint, it had disappeared. In the interim, I had been discussing that Tweet with Ms. Tantaros.

50. In support of the statements made at Footnotes 5 and 6 of the MOL, I chose not to name Mr. Block as a defendant in this action because I believed that Mr. Block – whose house is the subject of a foreclosure proceeding<sup>2</sup> – was a person with financial troubles who was likely

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<sup>1</sup> Exhibit QQ was removed from this Declaration at the last minute, and has not been replaced.

<sup>2</sup> Annexed hereto as Exhibit TT is a true and accurate copy of a print-out of an official record  
(continued...)

trying to earn money through permitting third party access to his Twitter account. This could have been accomplished through providing his log-in information to companies such as Be-A-Magpie or Ad.ly which can automatically post ads to a Twitter feed. In turn, such third party services could make their service available to agents of FNC.

51. Alternatively, it is easy to gain surreptitious access to a person's Twitter account because there are huge numbers of third party applications to which Twitter login information is provided when a user, for example, registers himself or herself with the application using his or her Twitter account. For example, if one wants access to Digg, a news aggregator application, the Digg webpage allows one to "Sign in with Twitter." (See Exhibit UU hereto, a true and accurate print-out of a login page for Digg) Of great significance is that Tweets can be sent via some of these applications (not Digg), thereby permitting hackers to send Tweets from a user's account. For example, last March, the Twitter accounts of BBC and Amnesty International appeared to send out a pro-Nazi Tweet. As it turned out, a hacker had gained access to the accounts through "Twitter Counter," an analytics program from which Tweets can also be sent. (See Exhibit VV hereto to Burstein Dec., an true and accurate copy of a print-out of a March 15, 2017 article entitled "How to see which random apps and sites can tweet from your Twitter account" that was published by Business Insider.

52. Finally, tens of thousands of dormant Twitter accounts can be purchased for use as sock puppets. (See Exhibit WW hereto, a true and accurate print-out from the website of BuyAccs.com) One of the signs of such accounts being sockpuppets is that they remain dormant

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<sup>2</sup>(...continued)  
of Alachua County, Florida showing that Mr. Block's house is in in the foreclosure process.



for a significant period of time only to suddenly wake up. (See Exhibit X hereto, at 5-6) That is exactly what happened with the @DanielBlock5 Twitter account. (See Exhibits M-O hereto)

I declare under penalty of perjury that the foregoing is true.

Dated: New York, New York  
June 28, 2017



JUDD BORSTEIN